

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC MEDICINE,
on behalf of itself, its member organizations, their
members, and these members' patients;
AMERICAN ASSOCIATION OF PRO-LIFE
OBSTETRICIANS AND GYNECOLOGISTS,
on behalf of itself, its members, and their patients;
AMERICAN COLLEGE OF PEDIATRICIANS,
on behalf of itself, its members, and their patients;
CHRISTIAN MEDICAL & DENTAL
ASSOCIATIONS, on behalf of itself, its members
and their patients; SHAUN JESTER, D.O., on
behalf of himself and his patients; REGINA
FROST-CLARK, M.D., on behalf of herself and
her patients; TYLER JOHNSON, D.O., on behalf
of himself and his patients; and GEORGE
DELGADO, M.D., on behalf of himself and his
Patients,

Plaintiffs,

v.

U.S. FOOD AND DRUG ADMINISTRATION;
ROBERT M. CALIFF, M.D., in his official
capacity as Commissioner of Food and Drugs,
U.S. Food and Drug Administration; JANET
WOODCOCK, M.D., in her official capacity as
Principal Deputy Commissioner, U.S. Food and
Drug Administration; PATRIZIA CAVAZZONI,
M.D., in her official capacity as Director, Center
for Drug Evaluation and Research, U.S. Food and
Drug Administration; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES; and
XAVIER BECERRA, in his official capacity as
Secretary, U.S. Department of Health and Human
Services,

Defendants.

Case No. 2:22-cv-00223-z

**MOTION OF LIFE COLLECTIVE
INC. SEEKING LEAVE TO FILE
BRIEF AS AMICUS CURIAE IN
SUPPORT OF PLAINTIFFS'
COMPLAINT AND MOTION FOR
TEMPORARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 7(b), Life Collective, Inc. (“Life Collective”) respectfully seeks the Court’s leave to file the accompanying brief as an amicus curiae in support of Plaintiffs’ Complaint (Doc. 1) and Plaintiffs’ Motion for Preliminary Injunction (Doc. 6). Consistent with the principles set by Fed. R. App. P. 29(a)(4)(E), counsel for amicus authored its brief in whole; no counsel for a party authored this brief; and no other person or entity contributed monetarily to this brief’s preparation or submission.

I. Identity and Interests of Movant

Life Collective is a non-profit corporation headquartered in Oklahoma City, Oklahoma. Life Collective educates the public and unites organizations committed to a deep respect for life, with the hope of fostering a culture that makes abortion, with all its risks, unnecessary. As part of Life Collective’s mission, it seeks leave to file an amicus brief in support of Plaintiffs’ Complaint (Doc. 1) and Plaintiff’s Motion for Temporary Injunction (Doc. 6). Life Collective’s position is that the lack of safeguards in the FDA’s challenged regulations deviate from accepted ethical norms and required FDA practices meant to preserve the health and lives of patients. This departure endangers both women’s health and trust in healthcare professionals.

II. Argument

This is a matter of national importance. The Court’s decision will directly affect the delivery of pharmaceuticals, patients’ health, and respect for the ethical underpinnings of healthcare regulation. Life Collective believes that its proposed amicus briefing will aid the Court in its review. Should this matter eventually be subjected to appellate review, the appellate court will almost certainly have the benefit of amicus curiae briefing and this Court should have no less.

Despite the lack of a specific rule addressing amicus briefs at this stage, the Court should accept this briefing as it has in other important matters. *See e.g., Kinard v. Dish Network Co.*, 228 F. Supp. 3d 771, 777 (N.D. Tex. 2017); *United States v. Texas Educ. Agency*, 138 F.R.D. 503, 508 (N.D. Tex. 1991) (allowing parties denied intervention to file amicus curiae briefing). Life Collective's briefing will provide a well-supported viewpoint concerning the importance of adhering to current FDA regulations that implement safeguards over the provision of pharmaceuticals, especially abortifacients that pose very real risks to women (particularly absent proper medical oversight), and the grave departure this would represent from established ethical standards of healthcare in the United States.

III. Conclusion

Accordingly, Life Collective respectfully requests the Court to grant its motion for leave to file the accompanying amicus curiae brief.

Respectfully submitted, this 10th day of February, 2023,

/s/ Darren McCarty

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I certify that on February 10th, 2023, I electronically filed the foregoing document with the Clerk of the Court via CM/ECF which will notify all parties in this matter who are registered with the Court's CM/ECF filing system of such filing. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 10th day of February, 2023.

/s/ Darren McCarty
Darren McCarty